

ORDINANCE NO. _____

**AN ORDINANCE VACATING AND ABANDONING CERTAIN
UNUSED EASEMENTS ON PROPERTY LOCATED AT 4336
LANDERS ROAD IN THE CITY OF NORTH LITTLE ROCK;
DECLARING AN EMERGENCY; AND FOR OTHER
PURPOSES.**

WHEREAS, Act 67 of 1885 provides that cities of the first class may vacate and abandon easements not required for municipal purposes; and

WHEREAS, Mr. John Pownall of Thomas Engineering Company, 3810 Lookout Road, North Little Rock, AR 72116, has requested on behalf of North Point Toyota located at 4336 Landers Road (see map attached hereto as Exhibit "A") in the City of North Little Rock, that certain unused easements partially running under the dealership building on the property be vacated by the City, and allowing replat of a 10-foot easement on a portion of the property where the sanitary sewer is located (see Exhibit "B" – Pownall letter dated December 19, 2016; Exhibit "C" – original plat of Lots 2 and 3 showing easements to be abandoned; Exhibit "D" – replat showing extent of final easement on Lot 2A; and Exhibit "E" – survey of dealership which occupies Lots 2 and 3 and other lands); and

WHEREAS, the herein described unused easements are not needed for municipal purposes (see letter from City Engineer attached hereto as Exhibit "F") and the abandonment is supported by the North Little Rock Planning Department (see Exhibit "G" attached hereto); and

WHEREAS, there are no objections from utility companies to the vacation of the herein described easements (see approvals attached hereto, collectively, as Exhibit "H").

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the City Council hereby vacates and abandons certain unused easements on property located at 4336 Landers Road as described and shown on the site maps and survey attached hereto as Exhibits "C" thru "E" and incorporated herein by reference.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

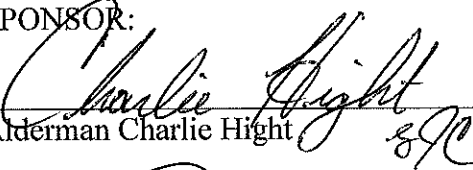
SECTION 3: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: It is hereby found and determined that the City has no need for the referenced unused easements, that the abandonment hereof has been properly reviewed and approved, and that the immediate passage of this Ordinance is necessary in order to insure the proper and orderly growth of this land and the City of North Little Rock, Arkansas, and being necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

SPONSOR:

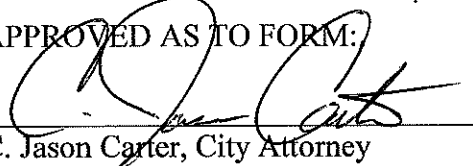

Alderman Charlie Hight

Mayor Joe A. Smith

ATTEST

Diane Whitbey, City Clerk

APPROVED AS TO FORM:


C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

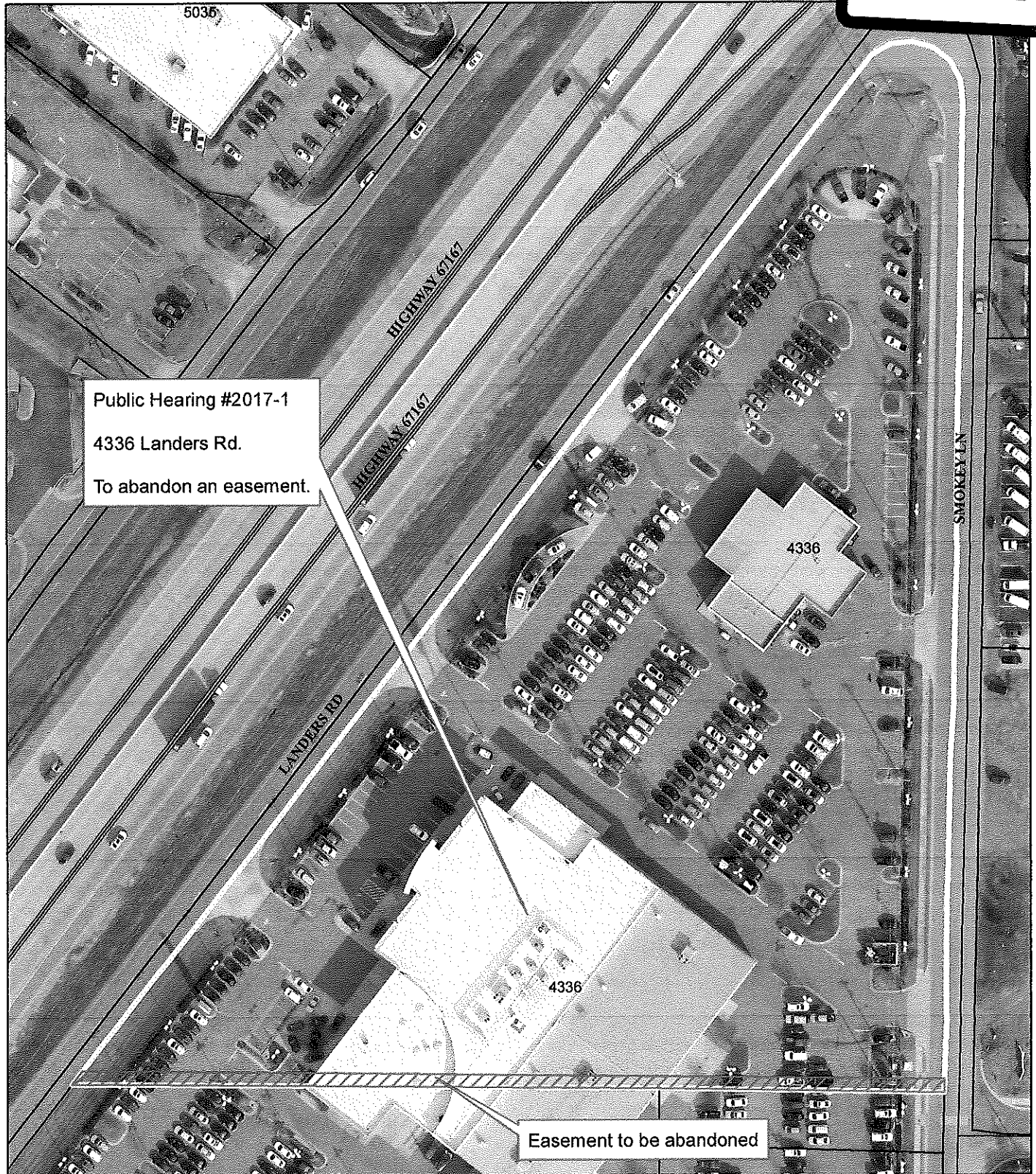
FILED	11:55	A.M.	P.M.
By	City Atty J Carter		
DATE	1-30-17		
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas			
RECEIVED BY	B Taylor		

Public Hearing Case # 2017-1

EXHIBIT

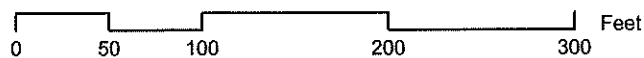
"A"

tabbies



Ortho Map

1 inch = 100 feet



Date: 12/22/2016



THOMAS ENGINEERING COMPANY

civil engineers

land surveyors

3810 LOOKOUT RD

NORTH LITTLE ROCK, AR 72116

(501) 753-4463

FAX (501) 753-6814

NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

December 19, 2016

Mayor and North Little Rock City Council Members

RE: Abandonment of Easements
Lots 2 & 3, Goshen Commercial Park
North Little Rock, Arkansas

Dear Mayor and North Little Rock City Council Members:

Please accept this letter to serve as our request to abandon the easements on the south side of Lots 2 & 3, Goshen Commercial Park.

The owner of Lots 2 & 3 Goshen Commercial Park is replatting these lots to Lots 2A & 3A. The purpose of the replat is to eliminate the existing 10' wide easement on lot 3 and partially remove it from Lot 2. I am attaching the original plat of Lots 2 & 3 showing the easements to be abandoned. I am attaching the replat showing the extent of the final easement on Lot 2A.

I am also attaching the survey of the North Point Toyota dealership which occupies Lots 2 & 3 and other lands. Lots 2 & 3 are located in the center of the site and have the Toyota dealership building located across them. As you can see on the survey, the easements we are abandoning are partially located under the existing building, thus the reason for abandoning them. We are retaining part of the easement on Lot 2 because the sanitary sewer is located within it.

The utility companies and City Engineer have concurred with the abandoning of the easement on Lot 3 and the replatting of the 10 foot easement on Lot 2A where the sanitary sewer is located.

If you have any questions, please give me a call.

Sincerely,

John R. Pownall, P.E.

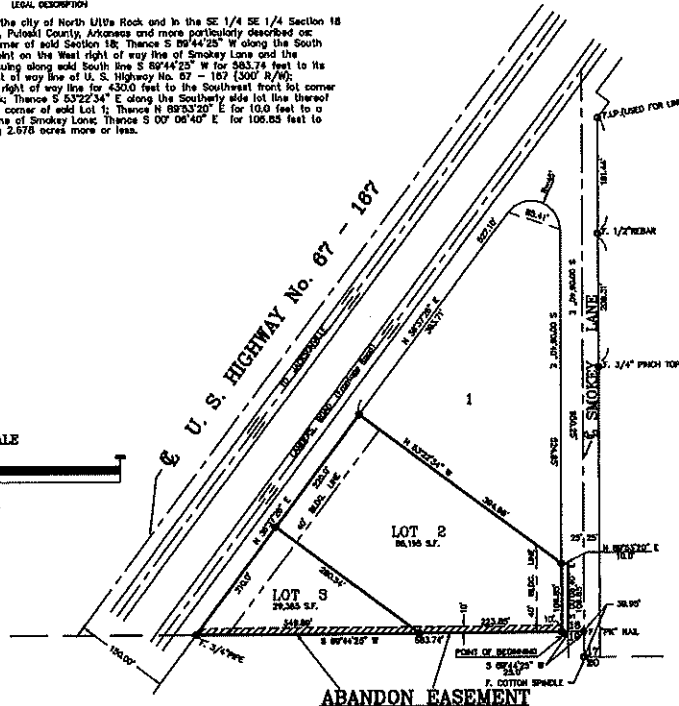
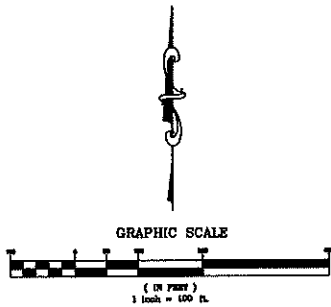
Engineer

JRP/ab



LEGAL DESCRIPTION

Description of a tract of land in the city of North Little Rock and in the SE 1/4 SE 1/4 Section 18 Township 2 North, Range 11 West, Pulaski County, Arkansas and more particularly described as:
Starting at the Southwest corner of said Section 18; Thence S 89°44'25" W along the South line thereof for 250.0 feet to a point on the West right of way line of Smokey Lane and the Point of Beginning; Thence continuing along said South line S 89°44'25" W for 583.74 feet to its intersection with the Easement right of way line of U. S. Highway No. 67 - 167 (300' R/W); Thence N 56°37'26" E along said right of way line for 430.0 feet to the Southwest front lot corner of Lot 1, Goshen Commercial Park; Thence S 53°22'34" E along the Southerly side lot line thereof for 394.58 feet to the Southeast corner of said Lot 1; Thence N 62°33'22" E for 10.0 feet to a point on the West right of way line of Smokey Lane; Thence S 00° 06'40" E for 106.85 feet to the Point of Beginning, containing 2.678 acres more or less.



PLAT OF LOT 2 & 3, GOSHEN COMMERCIAL PARK AND DEDICATION OF A PORTION OF SMOKEY LANE AS SHOWN HEREBY IN THE CITY OF NORTH LITTLE ROCK AND IN SE 1/4 SE 1/4 SECTION 18 TOWNSHIP 2 NORTH, RANGE 11 WEST PULASKI COUNTY, ARKANSAS

VICINITY MAP

LEGEND

- SHOWS EXISTING STREET.
- SHOWS NEW RIGHT OF WAY DEDICATED HEREOF.
- SHOWS SEWER, UTILITY AND DRAINAGE EASEMENT.
- SHOWS SET 8" R/W PIPE.
- SHOWS FOUND SURVEY MONUMENT AS DESCRIBED.

GENERAL NOTES

1. BASIS OF MEASUREMENT ASSUMED.
2. DISTANCES SHOWN ON CURVES ARE CHORD DISTANCES.
3. PLAT CONTAINS 2.678 ACRES MORE OR LESS.
4. THIS PROPERTY IS SITED C-4.
5. THIS PLAT IS NOT IN THE 100 YEAR FLOOD PLAIN AS PER FLOOD INSURANCE RATE MAP NO. 05019-0318 DATED MAY 8, 1985.
6. RECORD OF THIS WARRANTY DEED RECORDED JULY 30, 1988 IN PLAT BOOK 196, PAGE 246.

OWNER & SUBDIVIDER:
M.A.R. REVOCABLE TRUST
P.O. BOX 15496
LITTLE ROCK, AR 72231
TEL. NO. 945-0307

**THOMAS
ENGINEERING**
3910 LOOSEBOW ROAD
N. LITTLE ROCK, AR 72
TEL: 601-753-4455
FAX: 601-753-8814

SCALE 1" = 100'

DATE DEC. 27, 1998

SHEET 1 OF 1

CERTIFICATE OF SURVEY
I, John E. Parnell, Surveyor, do hereby certify that this plat was prepared by me or under my direct supervision and that I am a duly licensed Surveyor in the State of Arkansas.

CERTIFICATE OF SUBDIVISION
I, John E. Parnell, Surveyor, do hereby certify that this plat was prepared by me or under my direct supervision and that I am a duly licensed Surveyor in the State of Arkansas.

CERTIFICATE OF RECORD
I, John E. Parnell, Surveyor, do hereby certify that this plat was prepared by me or under my direct supervision and that I am a duly licensed Surveyor in the State of Arkansas.

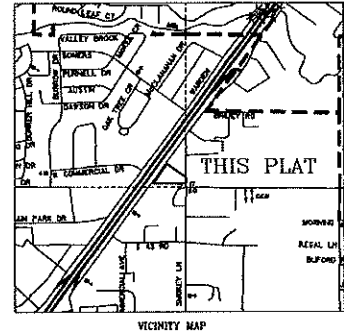
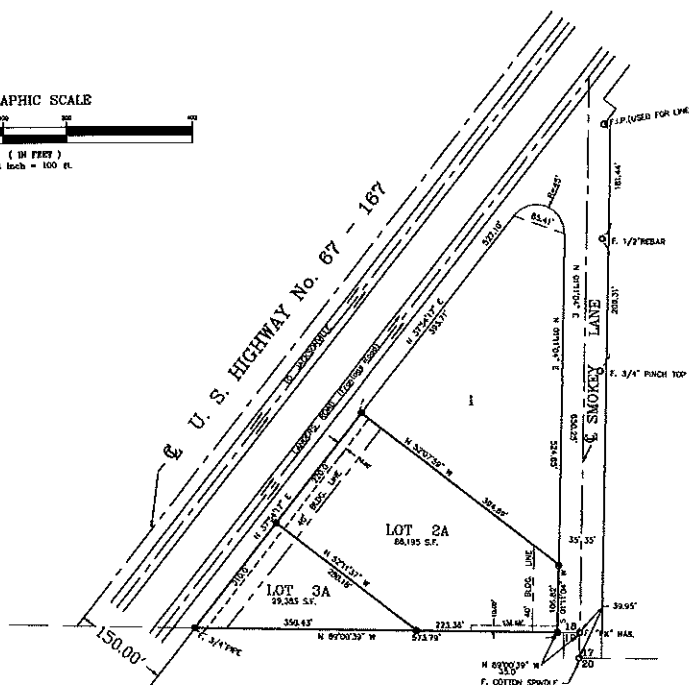
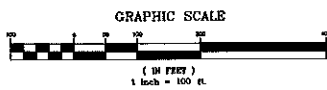
CERTIFICATE OF PLAT
I, John E. Parnell, Surveyor, do hereby certify that this plat was prepared by me or under my direct supervision and that I am a duly licensed Surveyor in the State of Arkansas.

CERTIFICATE OF RECORD
I, John E. Parnell, Surveyor, do hereby certify that this plat was prepared by me or under my direct supervision and that I am a duly licensed Surveyor in the State of Arkansas.



EXHIBIT

"C"



- LEGEND**
- SHOWS EXISTING STREETS.
 - SHOWS SEWER, UTILITY AND DRAINAGE EASEMENT.
 - SHOWS SET 5/8" IRON PIPE.
 - SHOWS FOUND SURVEY MONUMENT AS DESCRIBED.

- GENERAL NOTES**
1. BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATES NORTH ZONE (NAD83).
 2. PLAT CONTAINS 2833 ACRES MORE OR LESS.
 3. THIS PROPERTY IS ZONED C-1.
 4. THIS PLAT IS NOT BY THE 100 YEAR FLOOD PLAIN AS FOR FLOOD INSURANCE RATE MAP NO. 050187 0382 DATED JULY 4, 2015.
 5. SOURCE OF TITLE: WARRANTY DEED RECORDED JULY 30, 1928 IN PLAT BOOK 10A, PAGE 248.

PLAT OF
LOTS 2A & 3A, GOSHEN COMMERCIAL PARK
 (BEING A REPLAT OF LOT 2 & 3 GOSHEN COMMERCIAL PARK)
 IN
 THE CITY OF NORTH LITTLE ROCK
 AND IN
 SE1/4 SE1/4 SECTION 18
 TOWNSHIP 2 NORTH, RANGE 11 WEST
 PULASKI COUNTY, ARKANSAS

OWNER & SUBDIVIDER
 W.F.O. REYNOLDS TRUST
 P.O. BOX 10510 CHICAGO
 LITTLE ROCK, AR 72211
 TEL: NO. 945-9307



THOMAS ENGINEERING

3810 LOOKOUT ROAD
 N. LITTLE ROCK, AR 72116
 TEL: 501-755-4403
 FAX: 501-755-6814

SCALE 1" = 100'

DATE NOV. 8, 2015

SHEET 1 OF 1

CERTIFICATE OF SURVEYING ACCURACY
 I, John R. Powell, hereby certify that this plat represents a boundary survey made by me and that boundary markers shown hereon actually exist and their location, type and material are correctly shown.

Date _____ John R. Powell RLS 1215

CERTIFICATE OF ENGINEERING ACCURACY
 I, John R. Powell, hereby certify that this plat represents a plan made by me and that the engineering requirements of the North Little Rock Subdivision Rules and Regulations have been complied with.

Date _____ John R. Powell PE 4685

CERTIFICATE OF OWNER
 We, the undersigned, owners of the real estate shown and described herein, hereby certify that we hereby lay off, plat, and subdivide said real estate in accordance with this plat.

Date _____ Name _____

CERTIFICATE OF FINAL APPROVAL
 Pursuant to the North Little Rock Subdivision Rules and Regulations, and all of its conditions of approval having been completed, this document is hereby accepted. This certificate is hereby executed under the authority of said Rules and Regulations.

Date _____ North Little Rock Planning Commission

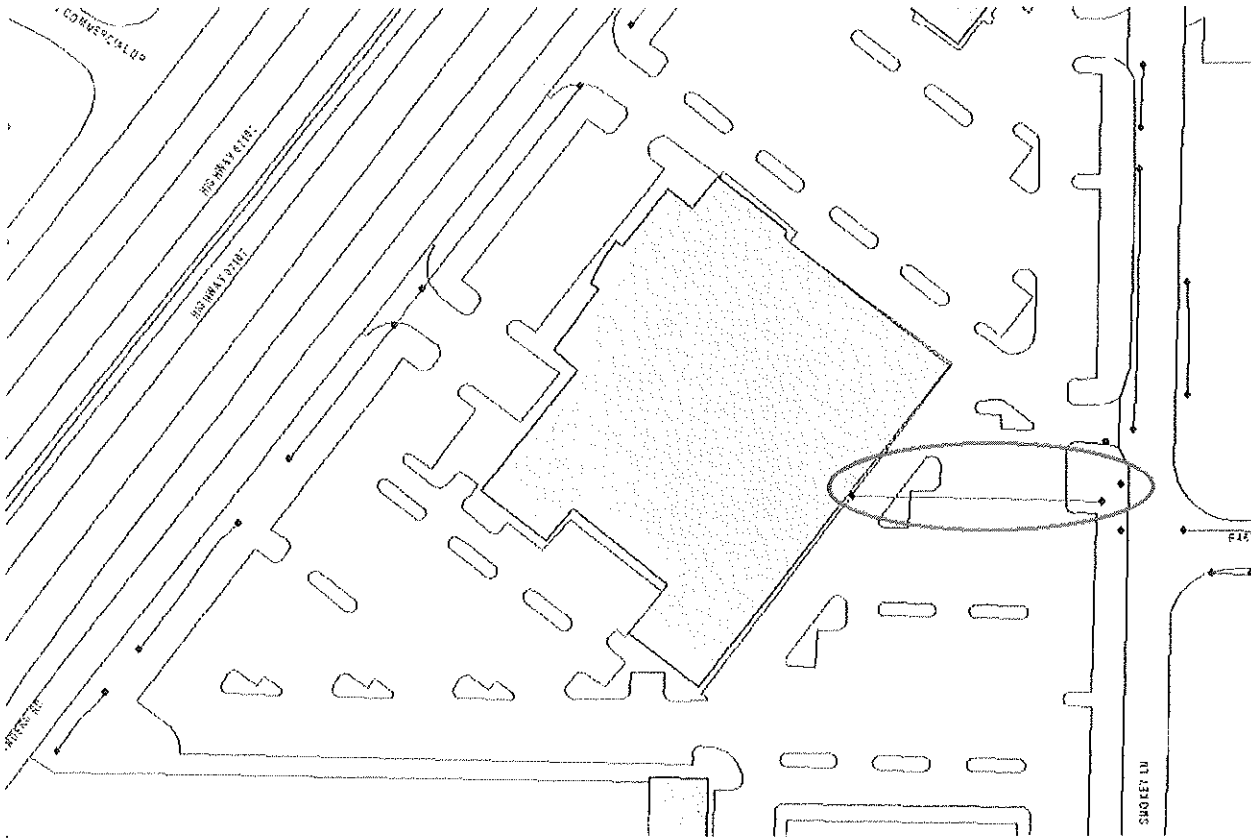


John Pownall

From: MKlamm@nlr.ar.gov
Sent: Thursday, December 15, 2016 11:39 AM
To: john@thomasengineering2000.com; CWillbourn@nlr.ar.gov
Subject: RE: Lots 2A & 3A Goshen Commercial Park

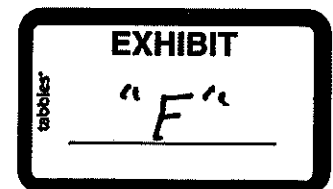
John,

See image below. This shows that we have storm drain in the portion of the easement you intend to retain because of the sewer line. Other than that, we show no other storm lines.



Michael Klamm, PE, CFM
Civil Engineer/Planner

500 W. 13th Street
N. Little Rock, AR 72114
Office: 501-371-8334
Cell: 501-813-0369
Fax: 501-371-8348



John Pownall

From: SSpencer@nlr.ar.gov
Sent: Monday, December 19, 2016 9:49 AM
To: john@thomasengineering2000.com
Subject: RE: Goshen Commercial Park

Planning does not have any issues with abandonment of the below mentioned easements.

Shawn Spencer
Planning Director

From: John Pownall [mailto:john@thomasengineering2000.com]
Sent: Monday, December 19, 2016 9:26 AM
To: Spencer, Shawn <SSpencer@nlr.ar.gov>
Subject: Goshen Commercial Park

Shawn

The owner of lots 2 & 3 Goshen Commercial Park is replatting these lots to lots 2A & 3A.
The purpose of the replat is to eliminate the existing 10' wide easement on lot 3 and partially remove it from lot 2.
I am attaching the replat showing the extent of the final easement on lot 2.

I am also attaching the survey of the North Point Toyota dealership which occupies lots 2 & 3 and other lands.
Lots 2 & 3 are located in the center of the site and have the Toyota dealership building located across them.
As you can see on the survey, the easements we are abandoning are partially located under the existing building, thus the reason for abandoning them.
We are retaining part of the easement on lot 2 because the sanitary sewer is located within it.

Please verify by email or other correspondence that you have no lines in the 10' easement to be abandoned and that you have no objection to abandoning it.

Thanks
John Pownall
Thomas Engineering Company
3810 Lookout Road
North Little Rock, Ar. 72116
Ph. 501 753 4463

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NORTH LITTLE ROCK WASTEWATER UTILITY

December 6, 2016

Mr. John R. Pownall, P.E.
Thomas Engineering Company
3810 Lookout Road
North Little Rock, Arkansas 72116

RE: Lots 2A and 3A Goshen Commercial Park

Dear Mr. Pownall:

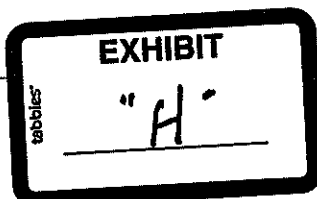
The plans for the above referenced project as received by NLRW have been reviewed. NLRW has verified no existing utilities are located within the 10' easement to be abandoned. Therefore, NLRW has no objection to abandoning the easement as proposed.

Thank you for your attention and cooperation in this matter. If I can be of any further assistance, please feel free to call (501-945-7186) or email (SKerby@nlrwu.com).

Respectfully yours,

Scott Kerby
North Little Rock Wastewater Utility

7400 BAUCUM PIKE
P.O. BOX 17898
NORTH LITTLE ROCK, AR 72117-0898



PHONE (501) 945-7186
FAX (501) 945-3716

John Pownall

From: Jonathan Long <Jonathan.Long@carkw.com>
Sent: Wednesday, December 14, 2016 10:12 AM
To: John Pownall
Subject: RE: lots 2A & 3A Goshen Commercial Park

No objection

From: John Pownall [<mailto:john@thomasengineering2000.com>]
Sent: Wednesday, December 14, 2016 9:49 AM
To: Jonathan Long
Subject: FW: lots 2A & 3A Goshen Commercial Park

Jonathan
Have you had a chance to look at this yet?

Thanks
John

From: John Pownall [<mailto:john@thomasengineering2000.com>]
Sent: Monday, December 05, 2016 11:38 AM
To: Jonathan Long (Jonathan.Long@carkw.com)
Cc: SSpencer@nlr.ar.gov
Subject: lots 2A & 3A Goshen Commercial Park

Jonathan
The owner of lots 2 & 3 Goshen Commercial Park is replatting these lots to lots 2A & 3A.
The purpose of the replat is to eliminate the existing 10' wide easement on lot 3 and partially remove it from lot 2.
I am attaching the replat showing the extent of the final easement on lot 2.

I am also attaching the survey of the North Point Toyota dealership which occupies lots 2 & 3 and other lands.
Lots 2 & 3 are located in the center of the site and have the Toyota dealership building located across them.
As you can see on the survey, the easements we are abandoning are partially located under the existing building, thus the reason for abandoning them.
We are retaining part of the easement on lot 2 because the sanitary sewer is located within it.

Please verify by email or other correspondence that you have no lines in the 10' easement to be abandoned and that you have no objection to abandoning it.

Thanks
John Pownall
Thomas Engineering Company
3810 Lookout Road
North Little Rock, Ar. 72116
Ph. 501 753 4463

John Pownall

From: Fuentes, Kenneth W <kenneth.fuentes@centerpointenergy.com>
Sent: Tuesday, December 13, 2016 10:51 AM
To: John Pownall
Cc: SSpencer@nlr.ar.gov; Bates, Joni B.
Subject: RE: lots 2A & 3A Goshen Commercial Park
Attachments: MCLARTY TOYOTA FINAL 2016-Layout1.pdf; REPLAT LOT 2A-3A-PLAT.PDF

John,

We have no lines in the 10' easement partially located under the building shown in the provided plats and have no objection to abandoning it.

Thanks,

Kenneth W. Fuentes
Engineer I

Southern Gas Operations | Arkansas/Oklahoma Region
401 W. Capitol Ave, Suite 600 | Little Rock, AR 72201
Office: 501-377-4606 | Fax: 501-377-4733 | Mobile: 501-516-9585
kenneth.fuentes@centerpointenergy.com



From: John Pownall [<mailto:john@thomasengineering2000.com>]
Sent: Monday, December 05, 2016 11:28 AM
To: Fuentes, Kenneth W
Cc: SSpencer@nlr.ar.gov; Bates, Joni B.
Subject: lots 2A & 3A Goshen Commercial Park

EXTERNAL EMAIL

Kenneth

The owner of lots 2 & 3 Goshen Commercial Park is replatting these lots to lots 2A & 3A. The purpose of the replat is to eliminate the existing 10' wide easement on lot 3 and partially remove it from lot 2. I am attaching the replat showing the extent of the final easement on lot 2.

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Please verify by email or other correspondence that you have no lines in the 10' easement to be abandoned and that you have no objection to abandoning it.

John Pownall

From: Hill, Richard <Richard_Hill2@comcast.com>
Sent: Tuesday, December 06, 2016 8:01 AM
To: John Pownall
Cc: SSpencer@nlr.ar.gov
Subject: RE: Lots 2A & 3A Goshen Commercial Park

Comcast has service running down Smokey lane on the pole line

From: John Pownall [<mailto:john@thomasengineering2000.com>]
Sent: Monday, December 05, 2016 11:25 AM
To: Hill, Richard <Richard_Hill2@cable.comcast.com>
Cc: SSpencer@nlr.ar.gov
Subject: Lots 2A & 3A Goshen Commercial Park

Richard

The owner of lots 2 & 3 Goshen Commercial Park is replatting these lots to lots 2A & 3A.
The purpose of the replat is to eliminate the existing 10' wide easement on lot 3 and partially remove it from lot 2.
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Please verify by email or other correspondence that you have no lines in the 10' easement to be abandoned and that you have no objection to abandoning it.

Thanks
John Pownall
Thomas Engineering Company
3810 Lookout Road
North Little Rock, Ar. 72116
Ph. 501 753 4463

John Pownall

From: GWoodward@nlr.ar.gov
Sent: Monday, December 12, 2016 11:21 AM
To: john@thomasengineering2000.com
Subject: RE: lots 2A & 3A Goshen Commercial Park

John,
We have no objection to the closing of this easement.

Thanks,
Greg Woodward

Distribution Design Supervisor
City of North Little Rock Electric Department
1400 West Maryland
North Little Rock, AR 72120
gwoodward@northlittlerock.ar.gov
Office: (501)992-4073
Fax: (501)992-4166

From: John Pownall [<mailto:john@thomasengineering2000.com>]
Sent: Monday, December 05, 2016 11:37 AM
To: Woodward, Gregory <GWoodward@nlr.ar.gov>
Cc: Spencer, Shawn <SSpencer@nlr.ar.gov>
Subject: lots 2A & 3A Goshen Commercial Park

Greg
The owner of lots 2 & 3 Goshen Commercial Park is replatting these lots to lots 2A & 3A.
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Thanks
John Pownall
Thomas Engineering Company
3810 Lookout Road
North Little Rock, Ar. 72116
Ph. 501 753 4463